

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH MURCHISON,

PLAINTIFF,

v.

HENRY J. SADOWSKI, et al.

DEFENDANTS.

FILED
SCRANTON

FEB 29 2012

DEPUTY CLERK

No. 3:11-CV-2285

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 29th day of February, 2012, upon review of the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 5) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 5) is **ADOPTED**.
- (2) Plaintiff's claim for money damages against all Defendants in their official capacities will be **DISMISSED WITH PREJUDICE**.
- (3) Plaintiff's constitutional claims against Defendants Sadowski and Norwood will be **DISMISSED WITH PREJUDICE** and these two Defendants will be dismissed entirely from the action.
- (4) Plaintiff's constitutional claims against the remaining Defendants will be **DISMISSED WITHOUT PREJUDICE**. Plaintiff will be allowed to amend the constitutional claims in his Complaint as to Defendants USP-Lewisburg Warden Bledsoe, unnamed Sort Team members, PA Potter and Dr. Pigos.
- (5) This matter is **RECOMMENDED** to Magistrate Judge Blewitt.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge